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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 ROGER WAYNE ROBERTSON, No. 2:15-cv-2102 AC P  
12 Petitioner,  
13 v. ORDER  
14 WARDEN,  
15 Respondent.

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has not, however, filed an in forma pauperis affidavit or paid the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a). Petitioner will be provided the opportunity to either submit the appropriate affidavit in support of a request to proceed in forma pauperis or submit the appropriate filing fee.

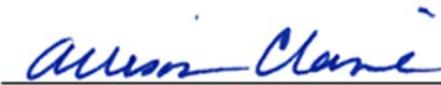
22        Additionally, the court requires all petitions for writ of habeas corpus be filed on the  
23 proper form which is provided by this court. Petitioner has only provided a portion of the form,  
24 and what he has submitted does not provide sufficient information for the court to identify his  
25 claims. Petitioner is hereby notified that in order for this court to review his application, he must  
26 refile his petition on the proper form. Furthermore, although petitioner may submit a separate  
27 memorandum to support his petition for relief, the court's application form must contain all  
28 relevant claims, and must provide the court with all necessary information.

1           It appears that petitioner may also be seeking to bring civil rights claims in addition to his  
2 habeas petition. Petitioner is advised that claims for violations of his constitutional rights are  
3 properly raised in a civil rights complaint filed pursuant to 42 U.S.C. § 1983, which provides a  
4 remedy for violations of civil rights by state actors. A habeas corpus petition is the correct  
5 method for a prisoner to challenge the “legality or duration” of his confinement. Badea v. Cox,  
6 931 F.2d 573, 574 (9th Cir. 1991) (quoting Preisser v. Rodriguez, 411 U.S. 475, 485 (1973); 28  
7 U.S.C. § 2254. Therefore, petitioner must bring claims for violations of his constitutional rights  
8 in a separate civil rights action after the inmate grievance process has been properly exhausted.

9           In accordance with the above, IT IS HEREBY ORDERED that:

- 10           1. Petitioner shall submit, within thirty days from the date of this order, an affidavit in  
11 support of his request to proceed in forma pauperis or the appropriate filing fee.  
12           2. Petitioner’s application for writ of habeas corpus (ECF No. 1) is dismissed with leave  
13 to amend within thirty days from the date of this order;  
14           3. Any amended petition must be filed on the form employed by this court and must state  
15 all claims and prayers for relief on the form. It must bear the case number assigned to this action  
16 and must bear the title “Amended Petition”;  
17           4. Petitioner’s failure to comply with this order will result in a recommendation that this  
18 action be dismissed; and  
19           5. The Clerk of the Court is directed to send petitioner the in forma pauperis form used by  
20 this district and the form for § 2254 habeas corpus application.

21 DATED: January 15, 2016

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23 ALLISON CLAIRE  
24 UNITED STATES MAGISTRATE JUDGE  
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